

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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RAVEN BYRD,

Plaintiff,

v.

5:05-CV-268  
(FJS/GHL)

MICHAEL J. ASTRUE,  
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**APPEARANCES:**

McMAHON, KUBLICK, McGINTY  
& SMITH, LLP  
Counsel for Plaintiff  
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**OF COUNSEL:**

JENNIFER GALE SMITH, ESQ.

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United States Attorney for the  
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WILLIAM H. PEASE  
Assistant United States Attorney

**FREDERICK J. SCULLIN, S.D.J.:**

**DECISION AND ORDER**

Presently before the Court is Magistrate Judge George H. Lowe's February 4, 2008 Report-Recommendation in which he recommends that the instant action be dismissed, and the Court having reviewed the Report-Recommendation and the entire file in this matter and no

objections to said Report-Recommendation having been filed, the Court hereby

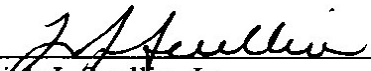
**ORDERS** that the Report-Recommendation filed by Magistrate Judge George H. Lowe on February 4, 2008 is, for the reasons stated therein, accepted in its entirety; and the Court further

**ORDERS** that the instant action is **DISMISSED**, and the Court further

**ORDERS** that the Clerk of the Court enter judgment in favor of the defendant and close this case.

**IT IS SO ORDERED.**

Dated: April 2, 2008  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Court Judge